

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

SADIE HACKLER, ON BEHALF OF
HERSELF AND ALL OTHERS
SIMILARLY SITUATED;
Plaintiff,

v.

TOLTECA ENTERPRISES, INC.,
Defendant.

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SA-18-CV-00911-XR

ORDER

On this date, the Court considered the status of this case. Plaintiff Sadie Hackler (“Plaintiff”) commenced this lawsuit on August 31, 2018, alleging that Defendant Tolteca Enterprises, Inc. d/b/a The Phoenix Recovery Group (“Defendant”) violated the Fair Debt Collection Practices Act (“FDCPA”). ECF No. 1. The Court previously entered a scheduling order to govern the disposition of this case, but that order was vacated and all deadlines were stayed pending the Court’s decision on Plaintiff’s motion for class certification. *See* ECF No. 12; Text Order dated June 3, 2019.

The Court granted Plaintiff’s motion for class certification on September 9, 2019. ECF No. 36. On Plaintiff’s unopposed motion, the Court agreed that the deadline for the parties to submit a new proposed scheduling order would be suspended until 14 days after the expiration of time within which class members may opt out of the class. *See* ECF No. 37; Text Order dated October 2, 2019. The Court granted Plaintiff’s motion for partial summary judgment as to liability on December 11, 2019. ECF No. 39. On May 28, 2020, the Court issued an order governing notice to the class members. ECF No. 47 (“the Class Notice Order”). The Court

ordered Plaintiff to effect notice to the class with the assistance of Defendant in accordance with the Class Notice Order. *Id.* As relevant here, the Class Notice Order required (1) Defendant to review the list of class members and certify to the Court that it is complete and correct according to Defendant's records by no later than July 13, 2020, and (2) Plaintiff to file an advisory with the Court on the date by which a class member's request for exclusion from the class must be received by no later than July 27, 2020. *Id.* The Class Notice Order further provided that "[t]he parties must, without further direction of the Court, confer and submit a proposed scheduling order no later than 14 days after that opt-out deadline." *Id.*

Defendant failed to timely certify to this Court that it had reviewed the list of class members and that it was complete and correct according to Defendant's records. Plaintiff late-filed her advisory on July 28, 2020, which states the deadline for a class member's request for exclusion is October 30, 2020. ECF No. 51.

The Court accordingly **ORDERS** Defendant to file a with the Court a certification regarding the list of class members, as ordered in the Class Notice Order, no later than **August 10, 2020**. The Court further **ORDERS** the parties to confer and submit a new proposed scheduling order to govern the remainder of this case by **November 13, 2020**.

It is so **ORDERED**.

SIGNED this 3rd day of August, 2020.

A handwritten signature in black ink, appearing to read 'Xavier Rodriguez', written over a horizontal line.

XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE